

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Tax ID#11-2671938

Hearing date: 2/4/15

Time: 9:30 a.m.

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In Re:

Chapter 7

GINA REIS,

Case No.: 14-74627-reg

Debtors.

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NOTICE OF MOTION OF PROPOSED ABANDONMENT

SIR/MADAM:

PLEASE TAKE NOTICE, that upon the annexed application of Gina Reis (“Movant”) herein, by her attorneys, Macco & Stern, LLP, a hearing will come on to be heard before the Honorable Robert E. Grossman, Bankruptcy Judge of United States Bankruptcy Court, in his courtroom 860 located at the Eastern District of New York, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722. on the **4th day of February, 2015 at 9:30 a.m.** or as soon thereafter as counsel can be heard, for an order authorizing the abandonment of the trustee’s and estate’s right, title and interest in and to the property located at 557 N. Monroe Avenue, Lindenhurst, New York 11757 (“the real property”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the proposed Order must be in writing and filed with the Clerk of the Court, United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, (a)(i) through the Bankruptcy Court’s electronic filing system (in accordance with General Order M-242), which may be accessed (with a password which is available by contacting the Bankruptcy Court’s technical assistance at 631-712-6200, Monday through Friday, 8:30 a.m. to 5:00 p.m.) through the Internet at the Bankruptcy Court’s website: www.nyeb.uscourts.gov using Netscape Navigator software version 3.0 or higher, and (ii) in portable document format (PDF) using

Adobe Exchange software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASC II) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copy of the objection, whether filed pursuant to section (a), (b), or (c), as set forth in this paragraph, shall be hand-delivered directly to the Chambers of the Honorable Robert E. Grossman, and Macco & Stern, LLP, 135 Pinelawn Road, Suite 120S, Melville, New York 11747 no later than **January 30, 2015**.

PLEASE TAKE FURTHER NOTICE, that answering papers if any, must be served and filed at least three (3) business days before the return date of the Motion.

Dated: Melville, New York
December 8, 2014

MACCO & STERN, LLP
Attorneys for Movant
By: /s/ Richard L. Stern
RICHARD L. STERN
A Member of the Firm
135 Pinelawn Road
Suite 120 South
Melville, New York 11747
(631) 549-7900

TO:

Office of the U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722

Andrew M. Thaler
Chapter 7 Trustee

Thaler Law Firm PLLC
675 Old Country Road
Westbury, NY 11590

All creditors and parties in interest

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In Re:

GINA REIS,

Chapter 7

Case No.: 14-74627-reg

Debtor.

**APPLICATION IN SUPPORT OF
MOTION TO ABANDON
ESTATE'S INTEREST IN REAL
PROPERTY**

-----X
TO: THE HONORABLE ROBERT E. GROSSMAN
UNITED STATES BANKRUPTCY JUDGE

BACKGROUND

Gina Reis, by her attorneys Macco & Stern, LLP sets forth as follows:

1. The Debtor, Gina Reis filed a chapter 7 bankruptcy proceeding on October 10, 2014.
2. Andrew M. Thaler has been appointed Trustee of this estate.
3. At the time of the filing of the bankruptcy, the bankruptcy schedules reflected that the Debtor owned property at 557 N. Monroe Avenue, Lindenhurst, New York ("the real property").
4. The Debtor owns the property as Tenancy by the Entirety with her non-filing spouse. The Debtor is currently in a mediation process to obtain a divorce from her husband.
5. As is set forth in Schedule A of the petition, the Debtor has valued the property at \$298,207.00. **(See Exhibit A)**
6. The amount of secured indebtedness reflected on the bankruptcy petition is the sum of \$45,194.52.
7. There is also a judgment lien from First National Bank of Omaha on Schedule D for the sum of \$5,194.52 against the Debtor. **(See Exhibit B)**

8. Debtor has also asserted a homestead exemption under New York State CPLR Rule 5206 for the sum of \$150,000.00.

9. Based on her equity interest in the real property; the current valuation; the current mortgage balance due, and the lien on the property; there is no equity to and for the benefit of the estate.

10. The Debtor seeks the abandonment of any interest the Trustee may assert in the residence so issues as to that property may be determined and resolved through the mediation proceeding and divorce proceeding.

WHEREFORE it is respectfully requested that the proposed annexed order authorizing the abandonment of the property described herein be granted together with such other and further relief as this court deems just and proper.

Dated: Melville, New York
December 8, 2014

MACCO & STERN, LLP
Attorneys for Movant
Gina Reis
135 Pinelawn Road
Suite 120 South
Melville, New York 11747
(631) 549-7900
/s/ Richard L. Stern

By: _____
RICHARD L. STERN

-----X

GINA REIS,

Case No.: 14-74627-reg

ORDER OF ABANDONMENT

-----X

Dated: Central Islip, New York
 , 2015

ROBERT E. GROSSMAN
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In Re:

GINA REIS,

Debtor.

Chapter 7

Case No.: 14-74627-reg

AFFIDAVIT OF SERVICE

-----X

STATE OF NEW YORK)

ss:)

COUNTY OF SUFFOLK)

JEANETTE HODGINS, being duly sworn, deposes and says that deponent is not a party to the above-captioned action, is over the age of 18 years and resides at East Northport, New York.

On December 8, 2014, Deponent served the within **Notice of Motion for Proposed Abandonment** proceeding upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of the same, enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Office of the U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722

Andrew M. Thaler, Chapter 7 Trustee
Thaler Law Firm PLLC
675 Old Country Road
Westbury, NY 11590

Gina Reis
Debtor and Movant
557 N. Monroe Avenue
Lindenhurst, NY 11757

See annexed list

/s/ Jeanette Hodgins
JEANETTE HODGINS

Sworn to me before this

8th day of December, 2014

/s/ Richard L. Stern

Notary Public

Richard L. Stern

Notary Public, State of New York

No. 02ST4665096, Suffolk County

Commission Expires April 30, 2018

